

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NICOLAS AQUINO,  
Plaintiff,

v.

COUNTY OF MONTEREY SHERIFF'S  
DEPARTMENT, et al.,  
Defendants.

Case No. 5:14-cv-03387-EJD

**VERDICT FORM**

Your answers to any of the following questions must be unanimous.

**Question No. 1:**

What are Plaintiff's damages from the search of his wallet?

AMOUNT \$0

*If your answer to Question No. 1 is an amount greater than zero, please proceed to*

*Question No. 3.*

*If your answer to Question No. 1 is zero, please proceed to Question No. 2.*

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**Question No. 2:**

Because you found at Question No. 1 that Plaintiff's damages from the search of his wallet are zero, you must award Plaintiff nominal damages of \$1 in the space below.

NOMINAL DAMAGES \$1.00

*Please proceed to Question No. 3.*

**Question No. 3:**

Did Plaintiff prove by a preponderance of the evidence that Defendant Ivan Rodriguez deprived him of a constitutional right, as such rights are defined in Final Jury Instruction Nos. 20, 21, 22, 23 or 24?

YES YES NO \_\_\_\_\_

*If you answered "yes" to Question No. 3, please proceed to Question No. 4.*

*If you answered "no" to Question No. 3, please proceed to Question No. 6.*

**Question No. 4:**

Was the deprivation of Plaintiff's constitutional right(s) a substantial factor in causing Plaintiff's harm?

YES YES NO \_\_\_\_\_

*If you answered "yes" to Question No. 4, please proceed to Question No. 6.*

*If you answered "no" to Question No. 4, please proceed to Question No. 5.*

**Question No. 5:**

Because you found at Question No. 4 that the deprivation of Plaintiff's constitutional right(s) was not a substantial factor in causing Plaintiff's harm, you must award Plaintiff nominal damages of \$1 in the space below.

NOMINAL DAMAGES N/A

*Please proceed to Question No. 6.*

**Question No. 6:**

Did Plaintiff prove by a preponderance of the evidence that Defendant Ivan Rodriguez used unreasonable force in detaining Plaintiff, as defined in Final Jury Instruction No. 25?

YES YES NO \_\_\_\_\_

*If you answered "yes" to Question No. 6, please proceed to Question No. 7.*

*If you answered "no" to Question No. 6, please proceed to Question No. 8.*

**Question No. 7:**

Was the unreasonable force used in detaining Plaintiff a substantial factor in causing Plaintiff's harm?

YES YES NO \_\_\_\_\_

*Please proceed to Question No. 8.*

**Question No. 8:**

Did Plaintiff prove by a preponderance of the evidence that Defendant Ivan Rodriguez acted violently against Plaintiff to prevent him from exercising his constitutional right to be free from unreasonable searches and seizures, or that Defendant Ivan Rodriguez retaliated against Plaintiff for having exercised his right to be free from unreasonable searches and seizures?

YES YES NO \_\_\_\_\_

*If you answered "yes" to Question No. 8, please proceed to Question No. 9.*

*If you answered "no" to Question No. 8, and also answered "no" to Question Nos. 3 and 6, please proceed to Question No. 11.*

*If you answered "no" to Question No. 8, and also answered "no" to Question Nos. 4 and 7, please proceed to Question No. 11.*

*If you answered "no" to Question No. 8, but also answered "yes" to either Question Nos. 4 or 7, please proceed to Question No. 10.*

**Question No. 9:**

Was Defendant Ivan Rodriguez's conduct in acting violently or retaliating against Plaintiff a substantial factor in causing Plaintiff's harm?

YES YES NO \_\_\_\_\_

*If you answered "yes" to Question No. 9, please proceed to Question No. 10.*

*If you answered "no" to Question No. 9, and also answered "no" to Question Nos. 4 and 7, please proceed to Question No. 11.*

**Question No. 10:**

What are Plaintiff's damages?

**a. Past Economic Loss:**Medical Expenses \$0Lost Earnings \$0Other Expenses \$0**b. Future Economic Loss:**Medical Expenses \$0Lost Earnings \$0**c. Past Non-Economic Loss**Physical Pain & Mental Suffering \$0**d. Future Non-Economic Loss**Physical Pain & Mental Suffering \$0*Please proceed to Question No. 11.***Question No. 11:**

What amount do you award as punitive damages, if any?

AMOUNT \$200,000.00Dated: 8/13/18  
PRESIDING JUROR*After you have signed this form, notify the bailiff that you are ready to present your verdict in the courtroom.*Case No.: 5:14-cv-03387-EJD  
VERDICT FORM